

Public Service Commission
Of West Virginia

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September 16, 2008

Received & Inspected

SEP 22 2008

FCC Mail Room

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743
(overnight mail)

(Duplicate copy to:)
Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Karen Majcher
Universal Service Administrative Company
2000 L Street, NW
Suite 200
Washington, DC 20036

Re: Certification of High Cost Support Pursuant to 47 C.F.R. §§54.313,
54.314 and 54.316, CC Docket No. 96-45

Dear Ms. Dortch and Ms. Majcher:

The Public Service Commission of West Virginia ("WVPSC") hereby submits its annual certification in accordance with 47 C.F.R. §§54.313, 54.314 and 54.316. These Federal Communications Commission ("FCC") rules require state certifications to allow non-rural and rural incumbent local exchange carriers, or eligible telecommunications carriers ("ETCs"), to receive federal universal service support pursuant to 47 C.F.R. §§54.301 - 54.314.

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I. Use of High Cost Support Certification – All Carriers.

As required by 47 C.F.R. §§54.313(a) and 54.314(a), the WVPSC certifies that the following carriers in West Virginia are eligible to receive federal support during January 1, 2009 to December 31, 2009:

1. Alltel Communications, Inc.
2. American Cellular Corporation
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. Easterbrooke Cellular Corporation
7. FiberNet, LLC
8. Gateway Telecom, LLC, dba StratusWave Communications, LLC
9. Hardy Telecommunications, Inc. CLEC
10. Hardy Telecommunications, Inc. ILEC
11. Highland Cellular, LLC
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
15. Verizon West Virginia Inc.
16. War Telecommunications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

Attachment A to this letter lists these carriers, each carrier's Study Area Code ("SAC"), whether the carrier is rural or non-rural, and whether the carrier is an incumbent or competitive carrier. The WVPSC further certifies that these carriers will use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended. This certification is the product of formal proceedings before the WVPSC. See, "Commission Order," General Investigation Regarding Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers in West Virginia, Case No. 08-0618-T-GI (September 16, 2008) (attached as Attachment B). With respect to Verizon West Virginia Inc. ("Verizon WV"), all federal universal service support received by Verizon WV is used to reduce monthly rates for single-line business and residential customers in West Virginia, and for

network upgrades in high-cost areas, pursuant to an order of the WVPSC. See, "Commission Order," Verizon WV Inc., Case No. 05-1778-T-PC (April 3, 2006).

II. Rate Comparability Certification – Non-rural ILEC Service Areas.

A. Non-rural ILEC Rate Comparability Certification.

Verizon WV is West Virginia's only non-rural incumbent local exchange carrier (ILEC). As required by 47 C.F.R. §54.316(a), the WVPSC certifies that the rates charged by Verizon WV in rural areas of its ILEC service area are reasonably comparable to rates charged in urban areas nationwide. This certification is the result of formal proceedings before the WVPSC. See, "Commission Order" Case No. 08-0618-T-GI (September 16, 2008). In that case, the WVPSC found that the rates charged by Verizon WV to residential customers in rural areas of its ILEC service area are comparable to rates charged in urban areas nationwide for purposes of 47 U.S.C. §254(e). As set forth in the Order, three of the four residential calling plans available to all Verizon WV customers in West Virginia, including those in rural areas, have basic rates which fall below the national urban benchmark of \$36.52 per month set forth in the FCC's Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition). The fourth calling plan, Frequent Caller, has basic rates that are slightly above the benchmark. The Commission finds the one cent that the Frequent Caller Plan exceeds the urban benchmark to be de minimis. The Commission's finding is also supported by the following facts:

- a. Since 1988 the rates charged to residential customers in West Virginia have been uniform throughout the state.
- b. "Local calling areas" are uniformly defined throughout West Virginia, and consist of all adjacent wire centers and wire centers within twenty-two air miles of the customer's home wire center. This means that every residential customer in every Verizon WV wire center in West Virginia, rural or urban, has a large local calling area, usually in excess of fifty miles in diameter. These large local calling areas benefit residential customers by reducing the need to make long distance calls for normal daily activities.

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c. Every residential customer in every Verizon WV wire center has the choice of the same four calling plans. Since the rate plans are optional, no customer is forced to purchase service under any particular plan.

d. The Frequent Caller Plan is an optional calling plan that provides flat-rate local calling across a very large area. Customers do not have to choose that plan, since there are other alternative calling plans available from Verizon WV and competitive carriers. Moreover, that plan gives customers flat-rate local calling for calls that are normally billed as long distance calls in other, more urban states.

See, "Commission Order," Case No. 08-0618-T-GI, (September 16, 2008).

B. Additional Rate Comparability Certification – Competitive ETCs.

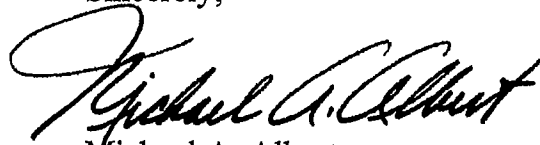
The WVPSC has also reviewed the residential rates charged by competitive ETCs in rural areas of West Virginia served by Verizon WV and determined that the competitive ETCs' rates are reasonably comparable to urban rates nationwide. As noted in the attached order, most of these carriers offer residential rates to customers in rural wire centers served by Verizon WV that fall below the national urban benchmark of \$36.52 per month set forth in the FCC's Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition). To the extent that some of the competitive ETCs offer basic calling plans with rates that are above the national urban benchmark, the WVPSC believes that those plans are nevertheless comparable to urban rates nationwide because the plans include calling features that are not federally supported, such as long distance calling and vertical services.

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III. Conclusion.

On behalf of the people of West Virginia, the WVPSC expresses its appreciation for the FCC's efforts in arriving at a mechanism to provide support that will reduce monthly rates for the bulk of customers and make those rates more comparable to rates paid by consumers in other parts of the nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Albert". The signature is fluid and cursive, with a large initial "M" and "A".

Michael A. Albert
Chairman

MJM/lcw
Enclosures

ATTACHMENT A

Rural and Non-Rural Carriers Certified to Receive High Cost Support

Carrier	SAC¹	Rural/ Non-Rural²	Type³
Alltel Communications, Inc.	209008	N	C
American Cellular Corporation	209001	N	C
Armstrong Telephone Company - Northern Division	200267	R	I
Armstrong Telephone Company - West Virginia	200256	R	I
Citizens Telecommunications of West Virginia, Inc.	200271	R	I
Citizens Telecommunications of West Virginia, Inc.	204338	R	I
Citizens Telecommunications of West Virginia, Inc.	204339	R	I
Easterbrooke Cellular Corporation	209006	N/R	C
FiberNet, LLC	209002	N/R	C
Gateway Telecom, LLC, dba StratusWave Communications, LLC	209001	N	C
Hardy Telecommunications, Inc. (CLEC)	200259	R	C
Hardy Telecommunications, Inc. (ILEC)	200259	R	I
Highland Cellular, LLC	209003	N/R	C
Sprint Nextel Corporation	209007	N	C
Spruce Knob-Seneca Rocks Telephone, Inc.	200257	R	I
USCOC of Cumberland & Hardy Cellular Telephone, Inc.	209005	N	C
Verizon West Virginia Inc.	205050	N	I

¹Study Area Code

²R - Rural Carrier; N - Non-Rural Carrier

³I- Incumbent; C - Competitive

War Telecommunications	200258	R	I
West Side Telecommunications	200277	R	I
West Virginia PCS Alliance, LC dba NTELOS	209909	N	C

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 16th day of September 2008.

CASE NO. 08-0618-T-GI

GENERAL INVESTIGATION
REGARDING CERTIFICATION OF
FEDERAL UNIVERSAL SERVICE
FUNDING FOR ELIGIBLE
TELECOMMUNICATIONS CARRIERS
IN WEST VIRGINIA.

COMMISSION ORDER

The Commission finds that certain eligible telecommunications carriers ("ETCs") in West Virginia are appropriately using federal universal service funds ("USF") and that rates in rural areas served by non-rural incumbent carriers are comparable to rates charged in urban areas nationwide.

BACKGROUND

The Federal Communications Commission ("FCC") requires states to annually certify which carriers are eligible for USF and file a certificate stating that all federal high-cost funds flowing to rural and non-rural carriers in that state will be used in accord with Section 254(e) of the Telecommunications Act of 1934 (as amended)¹ ("Act"). See, 47 U.S.C. §254(e), 47 C.F.R. §§54.313 and 54.314. If a state commission files a certification with the FCC prior to October 1, then USF for the next calendar year will be forwarded to rural and non-rural carriers. *Id.* Therefore, the Commission initiated this general investigation ("GI") regarding the certification of federal USF for ETCs in West Virginia for calendar year 2009.

On March 17, 2005, the FCC strengthened its reporting requirements for ETCs to ensure that high-cost universal service support continues to be used for its intended purposes. See, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45,

¹This section states that federal USFs received by ETCs must be used "only for the provision, maintenance and upgrading of facilities and services for which the support is intended."

Report and Order, FCC 05-46 (Rel. March 17, 2005). The FCC encouraged state commissions to adopt the same annual reporting requirements for all ETCs, not just competitive ETCs. Id. at ¶ 71. The FCC also recognized that state commissions possess the authority to rescind ETC designations for failure of an ETC to comply with the requirements of section 214(e) of the Act or any conditions imposed by the state. Id. at ¶ 72. On May 17, 2005, this Commission adopted the FCC's annual reporting requirements in addition to the reporting requirements of previous years, including the requirement that all ETCs file verified statements certifying that they use universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

Pursuant to 47 C.F.R. §54.316, each state must annually review the residential rates in areas served by non-rural incumbent local exchange carriers to urban rates nationwide and certify to the FCC and Universal Service Administrative Company ("USAC") whether the rates are reasonably comparable. Verizon West Virginia Inc. ("Verizon WV") is the only non-rural incumbent local exchange carrier in West Virginia. Only carriers serving such non-rural service areas are required to make rate comparability certifications.

The Commission directed that the carriers' verified statements be posted on the Commission's website, directed that notice of its Order and the internet posting of carriers' verified statements be published once in the Charleston Gazette and Charleston Daily Mail and invited interested persons to file comments with the Commission by July 16, 2008. Id.

The Commission granted the Consumer Advocate Division's ("CAD's") petition to intervene on April 30, 2008.

The following ETCs filed their respective documentation and requests that the Commission certify to the FCC and the USAC their eligibility to continue to receive federal high-cost support in calendar year 2009:

1. Alltel Communications, Inc.
2. American Cellular Corporation
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. Easterbrooke Cellular Corporation
7. FiberNet, LLC
8. Gateway Telecom, LLC, dba StratusWave Communications, LLC
9. Hardy Telecommunications, Inc. CLEC
10. Hardy Telecommunications, Inc. ILEC
11. Highland Cellular, LLC
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
15. Verizon West Virginia Inc.

16. War Telecommunications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

On July 16, 2008, the Commission directed Citizens Telecommunications of West Virginia, Inc., and War Telecommunications to file certain documents on or before August 1, 2008.

Staff filed a Final Joint Staff Memorandum recommending that the Commission certify to the FCC that the eighteen ETCs filing in this proceeding are adequately in compliance with all applicable ETC/USF requirements in the current reporting period. Staff noted in its filing that several of the ETCs submitted a 2007 Lifeline disclosure form instead of a 2008 disclosure. Instead of denying certification on this basis, Staff suggested that the Commission require all ETCs that failed to file a 2008 disclosure do so. At Staff's suggestion, several ETCs filed 2008 Lifeline disclosures. See, August 15, 2008 Staff Memorandum.

All ETCs have now filed a 2008 Lifeline disclosure, except for Armstrong Telephone Company - Northern Division, Armstrong Telephone Company - West Virginia, War Telecommunications and West Side Telecommunications. See, case file generally.

On September 3, 2008, CAD filed a Motion for Leave to File Response to Final Joint Staff Memorandum and ETC Filings and the associated response. No party filed a reply to CAD's Motion and Response. Companies affiliated with AT&T filed a reply to CAD's response on September 15, 2008.

DISCUSSION

CAD's Motion to File Response

The Commission concludes that CAD's Motion for Leave to File Response to Final Joint Staff Memorandum and ETC Filings should be granted because CAD represents the interests of ratepayers and CAD's Response provides useful insight into the filings of other parties to this matter.

Use of High-Cost Support Certification - All Carriers

With regard to the use of USFs, the Commission finds and concludes that the following telecommunications carriers should be certified to receive Federal Universal Service support during calendar year 2009, because they use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, Inc.
2. American Cellular Corporation
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. Easterbrooke Cellular Corporation
7. FiberNet, LLC
8. Gateway Telecom, LLC, dba StratusWave Communications, LLC
9. Hardy Telecommunications, Inc. CLEC
10. Hardy Telecommunications, Inc. ILEC
11. Highland Cellular, LLC
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
15. Verizon West Virginia Inc.
16. War Telecommunications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

Therefore, the Commission finds and concludes that it should certify by letter to the FCC and the USAC that all federal high-cost support will be used by the above-listed ETCs only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act.

Rate Comparability Certification - Non-rural ILEC Service Areas

The Commission concludes that the rates charged by the incumbent non-rural carrier, Verizon WV, to residential customers in rural areas of West Virginia are comparable to rates charged in urban areas for purposes of 47 U.S.C. §254(e). Three of the four residential calling plans available to all Verizon WV customers in West Virginia, including those in rural areas, have basic rates that fall below the national urban benchmark of \$36.52 per month set forth in the FCC's Reference Book on Rates, Price Indices and Expenditures for Telephone Service, (2008 Edition). The fourth calling plan, Frequent Caller, has basic rates that are only one cent above the benchmark (including federal excise taxes). The Commission finds the one cent that the Frequent Caller plan exceeds the urban benchmark to be de minimis. The Commission's finding is also supported by the following facts:

1. Since 1988 the rates charged to residential customers in West Virginia have been uniform geographically throughout the state.
2. "Local calling areas" are uniformly defined throughout West Virginia and consist of all adjacent wire centers and wire centers within twenty-two air miles of the customer's home wire center. This means that every residential customer in every Verizon WV wire center in West Virginia, rural or urban,

has a large local calling area, usually in excess of fifty miles in diameter. These large local calling areas benefit residential customers by reducing the need to make long distance calls for normal daily activities.

3. Every residential customer in every Verizon WV wire center has the choice of the same four calling plans. Since the rate plans are optional, no customer is forced to purchase service under any particular plan.
4. The Frequent Caller Plan is an optional calling plan that provides flat-rate local calling across a very large area. Customers do not have to choose that plan, because there are other alternative calling plans available from Verizon WV and competitive carriers. Moreover, that plan gives customers flat-rate local calling for calls that are normally billed as long distance calls in other, more urban states.

Additional Rate Comparability Certification - Competitive ETCs

The Commission also reviewed the comparability of the residential rates of competitive ETCs charged in rural areas of West Virginia served by Verizon WV and determined that they are reasonably comparable to rates charged in urban areas. Most of these carriers² offer residential rates to customers in rural wire centers served by Verizon WV that fall below the national urban benchmark. See, CAD's Response at 8. To the extent that some of these competitive ETCs offer basic calling plans with rates that are above the national urban benchmark, the Commission finds that plans are nevertheless comparable to urban rates nationwide because these plans include calling features that are not federally supported such as long distance calling and vertical services, the existence of uniform residential rates, uniformly defined "local calling areas" in West Virginia and the existence of competitive carriers offering alternative calling plans.

Therefore, the Commission finds and concludes that it should certify by letter to the FCC and the USAC that residential rates in area served by Verizon WV are comparable to urban rates nationwide.

Annual Lifeline Verification Certifications

On July 10, 2007, the FCC issued Public Notice DA 07-3088, "Deadline for Annual Lifeline Verification Surveys," requiring ETCs in a state with its own state-based Low-

²The Commission considered the filings of (1) Alltel Communications, Inc., (2) American Cellular Corporation, (3) Easterbrooke Cellular Corporation, (4) Fibernet, LLC, (5) Gateway Telecom, LLC, dba StratusWave Communications, (6) Highland Cellular, LLC, (7) Sprint Nextel Corporation, (8) USCOC of Cumberland and Hardy Cellular Telephone, Inc., and (9) West Virginia PCS Alliance, LC dba NTELOS.

income program to submit a certification, signed by an officer of the company to USAC by August 31 of each year, attesting that the ETC has complied with the state verification procedures. Pursuant to the FCC's notice, each state with a state-based Low-income program is required to establish state-specific verification procedures. The state procedures should include how ETCs verify continued eligibility and to whom the results should be submitted.

W.Va. Code §24-2C-4 sets forth this state's procedures for its state-based low-income program called "Tel-Assistance." The West Virginia Department of Health and Human Resources ("DHHR") verifies initial and continuing eligibility of Tel-Assistance recipients. ETCs communicate with DHHR and verify continuing eligibility. The Commission is responsible for establishing the procedures governing the application for and providing of Tel-Assistance.

As directed in the April 24, 2008 Commission Order, all ETCs have filed a copy of the annual Lifeline verification certification. The Commission, however, will require ETCs that filed a 2007 Lifeline disclosure to file a 2008 form.

Requests for Protective Treatment

Six of the filers requested protective treatment of certain information including:

Alltel Communications, Inc.

- 5-year Service Improvement Plan
- USF Receipts and Progress Report, Investments and Expenditures Report
- Unfulfilled Requests for Service for 2007

American Cellular Corporation

- Signal Coverage and Cell Site Location Maps
- Service Improvement Plan
- Report of Service Outages for 2007
- Report of Unfulfilled Service Requests
- Report of Number of Complaints per thousand Handsets or Lines for 2007

Easterbrooke Cellular Corporation

- Report of Number of Complaints per thousand Handsets or Lines for 2007
- Signal Coverage and Cell Site Location Map
- Service Improvement Plan
- Service Outage Report

Highland Cellular, LLC

- Signal Coverage and Cell Site Location Maps
- Service Improvement Plan
- Report of Service Outages for the Calendar Year 2007
- Report of Unfilled Request for Service for the 2007 Calendar Year

- Report of Number of Complaints per thousand Handsets or Lines for 2007
- Sprint Nextel Corporation
- 2007 Network Expenditure Information
 - 5-year Service Improvement Plan
 - Outage Report
- Verizon West Virginia Inc.
- Outage Report
 - Wire-center Specific Construction and Network Information
 - Customer Usage Data

The majority of the filers in this case did not request protected treatment. CAD vigorously opposed the motions for protected treatment arguing that (1) the classes of documents the ETCs seek to protect do not fall into the exceptions of W.Va. Code §29B-1-1 et seq., and (2) the motions do not make a sufficient showing to justify protective treatment.

As it is possible to issue this Order and the corresponding certification letter without including any of the proprietary information, the Commission concludes that there is no need to rule on the requests for protected treatment at this time. The Commission shall direct its Executive Secretary to maintain such information separate and apart from the rest of the file. Should there be a request filed with the Commission in the future to make such information public, the Commission shall require the entity seeking protective treatment to argue its request for protective treatment at that time.

Requirements for Next Year's Certification Filings

In prior USF proceedings, the Commission directed all ETCs to file certain information with the Commission the following year, to assure that the Commission would have the necessary information available for its next certification letter to the FCC. The Commission shall similarly require such filings be made on or before July 1, 2009.

The CAD proposed several steps to enhance the comparability of the various filings including (1) adopting a standard format for describing five-year network improvement plan closely following the filing made by West Virginia PCS Alliance, LC dba NTELOS, (2) requiring ETCs to specify the wire center affected by a service outage, (3) directing ETCs whose rates exceed the national urban benchmark to develop a calling plan below the national urban benchmark, (4) requiring specificity regarding the number of unfulfilled service requests and (5) mandating that ETCs report the total number of complaints received. See, CAD's Response. The Commission is not inclined to require a specific format for five-year plans at this time or to mandate carriers to develop new calling plans, but finds that the remainder of CAD's suggestions will enhance subsequent USF proceedings and should be adopted. The Commission, however, places all competitive ETCs on notice that the failure to have at least one basic plan with total costs below the national urban benchmark may

jeopardize future certifications of that ETC.

In the 2009 filing, carriers are also directed to list all mandatory surcharges that apply to the listed basic calling plan, as well as the Federal Universal Service Charge that would apply to that plan, to facilitate comparison to the national urban benchmark.

Finally, the filers shall submit, as part of their certification filing, (1) their Study Area Code(s), (2) whether the filer is a rural carrier and/or a non-rural carrier and (3) whether the filer is an incumbent or a competitive carrier.

FINDINGS OF FACT

1. The Commission initiated this GI regarding the certification of federal USF for ETCs in West Virginia during calendar year 2009. See, April 24, 2008 Commission Order.

2. In accordance with the July 1, 2008 filing deadline, 18 ETCs filed their respective documentation and requests that the Commission certify to the FCC and USAC their eligibility to continue to receive federal high-cost support in calendar year 2009. Six of the filers requested protective treatment for a portion of their filing. See, Case file generally.

3. The Commission directed Citizens Telecommunications of West Virginia, Inc., and War Telecommunications to file certain documents on or before August 1, 2008. See, July 16, 2008 Commission Order.

4. Staff filed its Final Joint Staff Memorandum recommending that the Commission certify to the FCC that the eighteen ETCs filing in the instant proceeding are adequately in compliance with all applicable ETC/USF requirements in the current reporting period. See, August 15, 2008 Staff Memorandum.

5. All carriers filed a 2008 Lifeline disclosure except Armstrong Telephone Company - Northern Division, Armstrong Telephone Company - West Virginia, War Telecommunications and West Side Telecommunications. See, case file generally.

6. CAD filed a response to the Staff Memorandum and the ETC filings, concurring with Staff's recommendation. CAD also tendered a series of suggestions to improve future reporting requirements. See, CAD's Response.

CONCLUSIONS OF LAW

1. It is reasonable to grant CAD's Motion for Leave to File Response to Final Joint Staff Memorandum and ETC Filing because CAD's response provided useful insight into the filings of other parties to this matter.

2. *The Commission finds and concludes that the following telecommunications carriers should be certified by letter to the FCC to receive Federal Universal Service support during calendar year 2009, because they use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:*

1. Alltel Communications, Inc.
2. American Cellular Corporation
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. Easterbrooke Cellular Corporation
7. FiberNet, LLC
8. Gateway Telecom, LLC, dba StratusWave Communications, LLC
9. Hardy Telecommunications, Inc. CLEC
10. Hardy Telecommunications, Inc. ILEC
11. Highland Cellular, LLC
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
15. Verizon West Virginia Inc.
16. War Telecommunications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

3. The Commission concludes that the rates charged by the incumbent non-rural carrier, Verizon WV, to residential customers in rural areas of West Virginia are comparable to rates charged in urban areas nationwide for purposes of 47 U.S.C. §254(e).

4. The Commission concludes that the rates of competitive ETCs charged in rural areas of West Virginia served by Verizon WV are reasonably comparable to rates charged in urban areas nationwide.

5. It is reasonable to require Armstrong Telephone Company - Northern Division, Armstrong Telephone Company - West Virginia, War Telecommunications and West Side Telecommunications to file a copy of their 2008 annual Lifeline certification with the Commission.

6. To facilitate next year's certification filings, it is reasonable for the Commission to mandate specific filing requirements within this Order.

ORDER

IT IS THEREFORE ORDERED that a certification be issued to the FCC and USAC stating that the following carriers are using Federal Universal Service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act:

1. Alltel Communications, Inc.
2. American Cellular Corporation
3. Armstrong Telephone Company - Northern Division
4. Armstrong Telephone Company - West Virginia
5. Citizens Telecommunications of West Virginia, Inc.
6. Easterbrooke Cellular Corporation
7. FiberNet, LLC
8. Gateway Telecom, LLC, dba StratusWave Communications, LLC
9. Hardy Telecommunications, Inc. CLEC
10. Hardy Telecommunications, Inc. ILEC
11. Highland Cellular, LLC
12. Sprint Nextel Corporation
13. Spruce Knob-Seneca Rocks Telephone, Inc.
14. USCOC of Cumberland and Hardy Cellular Telephone, Inc.
15. Verizon West Virginia Inc.
16. War Telecommunications
17. West Side Telecommunications
18. West Virginia PCS Alliance, LC dba NTELOS

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the above-stated carriers are eligible to continue receiving Federal Universal Service support for calendar year 2009, based on the verified statements submitted to the Commission.

IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the residential rates charged by Verizon WV and competitive ETCs in rural areas of West Virginia served by Verizon WV are reasonably comparable to urban rates nationwide.

IT IS FURTHER ORDERED that CAD's Motion for Leave to File Response to Final Joint Staff Memorandum and ETC Filings is granted.

IT IS FURTHER ORDERED that by July 1, 2009, regardless of whether the Commission has yet instituted the 2010 annual certification proceeding, all ETCs providing service in areas served by a non-rural incumbent local exchange carrier shall file, for the purposes of making the rate comparability determination, the following information:

- (1) Monthly line charge

- (2) Average monthly usage
- (3) Any federal subscriber line charge
- (4) Any federal universal service credit
- (5) Any federal universal service surcharge
- (6) Any local number portability surcharge
- (7) Any telecommunications relay service surcharge
- (8) Any E-911 surcharge
- (9) Federal excise tax
- (10) Any other mandatory surcharges that apply to their listed basic calling plan.

IT IS FURTHER ORDERED that on or before July 1, 2009, regardless of whether the Commission has yet instituted the 2010 annual certification proceeding, all ETCs designated by this Commission shall, in addition to the information detailed above for the then most recent calendar year, also file:

- (1) progress reports on the ETC's five-year service quality improvement plan, including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received during the most recent calendar year, and how the support was used during that period to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled. The information should be submitted at the wire center level;
- (2) for the most recent calendar year, detailed information on any outage lasting at least thirty minutes, for any service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in a designated service area, or that potentially affect a 911 special facility. Specifically, the ETC's annual report must include: (1) the date and time of onset of the outage; (2) a brief description of the outage and its resolution; (3) the particular services affected; (4) the geographic areas and wire centers affected by the outage; (5) steps taken to prevent a similar situation in the future; and (6) the number of customers affected;
- (3) the total number of requests for service from potential customers within its service areas that were unfulfilled for the most recent calendar year. The ETC must also detail how it attempted to provide service to those potential customers;
- (4) the total number of complaints and the number of complaints per thousand handsets or lines during the most recent calendar year;

- (5) certification that the ETC is complying with applicable service quality standards and consumer protection rules, e.g., the Commission's quality of service standards, and the CTIA Consumer Code for Wireless Service;
- (6) certification that the ETC is able to function in emergency situations including a description of the ETC's emergency facilities;
- (7) certification that the ETC is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas;
- (8) certification that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area; and
- (9) their Study Area Code(s), whether the filer is a rural carrier and/or a non-rural carrier, and whether the filer is an incumbent or a competitive carrier.

IT IS FURTHER ORDERED that on or before July 1, 2009, all ETCs designated by this Commission shall file a copy of the annual Lifeline verification compliance certification referenced in FCC Public Notice DA 07-3088 and above.

IT IS FURTHER ORDERED that Armstrong Telephone Company - Northern District, Armstrong Telephone Company - West Virginia, War Telecommunications, and West Side Telecommunications are hereby ordered to file a copy of the 2008 annual Lifeline verification certification in the present case within ten days of the date of this order.

IT IS FURTHER ORDERED that the Executive Secretary shall docket in this proceeding a copy of the Commission's letter to the FCC issued pursuant to this order.

IT IS FURTHER ORDERED that the Executive Secretary shall maintain all confidential versions of ETC filings in this matter separate and apart from the rest of the file.

IT IS FURTHER ORDERED that, on entry hereof, this proceeding shall be removed from the Commission's active docket of cases.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order on all ETCs by United States First Class Mail and on Staff by hand delivery.

A True Copy, Testor:


Sandra Squire
Executive Secretary

MJM/lcw
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